AFFIDAVIT

I, LARRY K. WARD, Special Agent (SA) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, being duly sworn under oath, hereby deposes and states:

1. I am an investigative or law enforcement officer of the United States, and under 18 U.S.C. § 3051, is charged by the Attorney General with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of the laws of the United States, may carry firearms, serve warrants and subpoenas issued under the authority of the United States, make arrests without warrant for any offense against the United States committed in his presence, or for any felony under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

2. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), United States Department of Justice, and has been so employed since August of 2002. Prior to my present employment, I was employed by the United States Park Police in Washington D.C. as a Police Officer for four years.

3. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. As an ATF Special Agent, your affiant has conducted numerous investigations involving the possession of controlled substances, the trafficking of controlled substances, and the trafficking of controlled substances by armed persons. In this position, I have written Federal search and seizure warrants pertaining to the seizure of firearms and narcotics.

4. The facts contained in this affidavit are based upon my personal knowledge of the investigation, in addition to my general knowledge, training, and experience, and the

observations, knowledge, training, and experience of other officers and agents. All observations referenced below that were not personally made by me, were relayed to me by the persons who made such observations. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government.

PROBABLE CAUSE

5. On January 26, 2017, I, along with Detectives from the Akron Police Department Gun Violence Reduction Unit (GVRU) were conducting a methamphetamine trafficking and illegal firearms possession investigation into Robert EVANS and his associates. That day, I was conducting surveillance of Robert EVANS' residence at 1905 Thane Ave., Akron, Ohio. I observed that EVANS' red Volkswagon vehicle was parked in the driveway of the residence. On several prior occasions, I had personally observed EVANS arriving and leaving that residence in that red Volkswagon and other vehicles. EVANS' red Volkswagon is often parked in the garage of the residence. I then observed the garage door of the residence open and then watched as a red Chevy Monte Carlo vehicle pulled out of the garage. Based upon my knowledge, training and experience as well as the knowledge, training and experience of the other Detectives of the GVRU, we conducted an investigatory stop of the red Chevy Monte Carlo after it left EVANS' garage. Detectives learned that the driver of that vehicle, Jeffrey Lusher, had an outstanding felony warrant for his arrest. During a search of that vehicle, Detectives found a plastic baggie containing several ounces of suspected methamphetamine under the center console of that vehicle.

6. After that investigatory stop, GVRU Detective David Rouse obtained and served a state search warrant on 1905 Thane Ave., Akron, Ohio, the residence of Robert EVANS.

EVANS was detained as he was leaving the residence prior to service of the state search warrant.

Firearm in EVANS' bedroom

7. EVANS' mother, Tamara Birch, was present during the service of the warrant. Birch advised Detectives that the bedroom in the basement belonged to her son, Robert EVANS. During a search of EVANS' bedroom, a Colt, Government Model, .45 caliber pistol, serial# 2871815 was found hidden inside a chair. The bottom material of the chair was affixed using Velcro. Once the material was pulled back, Detectives discovered a pouch hung from the frame inside the chair. Once Detectives opened the pouch, they observed the above listed pistol with rounds loaded in the magazine. Detectives also found mail items addressed to Robert EVANS in that bedroom along with several other items of EVANS' personal property, including several photographs of EVANS.

Interstate Nexus of Firearm

8. On January 29, 2017, ATF SA John Laurito, a Firearm Interstate Nexus Expert, rendered an opinion as to the recovered Colt, Government Model, .45 caliber pistol, serial# 2871815. Based on photographs, the description of the firearm, and his training and experience, SA Laurito stated that the firearm was not manufactured in the State of Ohio. Thus, the recovered firearm has traveled in interstate commerce.

Robert EVANS' prior felony criminal record

9. An NCIC computerized criminal history check was conducted on Robert Elden EVANS III. The query showed a 2002 Federal conviction for Conspiracy to Distribute Marijuana and a 2011 Federal conviction for Conspiracy to Distribute Marijuana. Both of those

convictions carry potential prison terms in excess of one year. Therefore, on January 26, 2017, EVANS was prohibited from possessing any firearm or ammunition.

10. EVANS is currently on Federal Probation for the 2011 conviction. EVANS' Federal Probation Officer was contacted and she advised that 1905 Thane Ave, Akron, Ohio was the home address that EVANS provided to probation.

Methamphetamine in EVANS' garage

11. During a search of the attached garage of EVANS' residence, a clear plastic baggie containing approximately one ounce (28 grams) of suspected methamphetamine was found on an upper shelf. The suspected methamphetamine was chemically tested and was positive for methamphetamine. Based upon my knowledge, training and experience, an ounce of methamphetamine is large amount and is indicative of an intent to further distribute the methamphetamine. Additionally, the packaging of the methamphetamine and the appearance of the methamphetamine was similar to the ounces of methamphetamine found in the vehicle that had just left EVANS' garage prior to the obtainment and execution of the search warrant. Finally, Detectives also found a large amount of plastic baggies and vacuum-sealed packaging that appeared to have methamphetamine residue on them. The packaging materials were also chemically tested and tested positive for the presence of methamphetamines.

CONCLUSION

12. Based upon the above listed facts and circumstances, I believe and assert that there is probable cause to believe that:

A. On January 26, 2017, in the Northern District of Ohio, Eastern Division, Robert EVANS, having been previously convicted of crimes punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate and foreign commerce, a firearm and ammunition in violation of Title 18, U.S.C., Section 922(g)(1).

B. On January 26, 2017, EVANS did knowingly and intentionally possess with the intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule I controlled substance; in violation of Title 21, Sections 841(a)(1).

I respectfully request that an arrest warrant be issued for Robert Elden EVANS III.

Larry K. Ward, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed before me this 30th day of January 2017.

Honorable Kathleen B. Burke
United States Magistrate Judge
Northern District of Ohio
Eastern Division